



## **State of Delaware Domestic Violence Policy**

### **February 16, 2010**

#### **Statement of Policy**

The State of Delaware ("the State") is committed to promoting the health and safety of its employees. The State does not tolerate domestic violence and offers support and referrals to assist employee victims who disclose concerns or requests for help. State employees are highly encouraged to report threats or acts of domestic violence to local law enforcement authorities.

Nothing in this policy is intended to reduce or modify existing directives and policies regarding prevention of violence in the workplace.

#### **Definition**

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes, but is not limited to, actual or potential physical injury or harm, sexual abuse or threats of physical injury or harm, or sexual abuse against a person with a past or present intimate relationship such as marriage, dating, family, friends or cohabitation.

#### **Persons Covered by this Policy**

Persons covered by this policy include State executive branch employees, casual/seasonals, interns, contractors, volunteers, and elected or temporary employees in any workplace locations.

#### **Policy Purpose**

The purpose of this policy is to:

- Promote the health and safety of State employees;
- Create a supportive workplace for employees who are victims of domestic violence, in which employees feel comfortable discussing and seeking assistance regarding domestic violence;
- Provide responsive guidelines and procedures to assist employees who are affected by domestic violence; and
- Provide support and assistance to employees who are victims of domestic violence.

## **Policy Procedures**

Each agency shall designate an individual who may assist with domestic violence issues within that agency. Employees who are victims may choose to notify the designated individual or a supervisor, who would then consult with human resource staff. When appropriate, an employee who is a victim of domestic violence may be referred to the State's Employee Assistance Program (EAP), and provided with information on domestic violence resources, which may also be found at [www.dvcc.delaware.gov](http://www.dvcc.delaware.gov). Other assistance will be provided based on individual needs and availability consistent with existing regulations, statutory requirements, contractual obligations and collective bargaining agreements. Assistance may also be provided with work-related needs such as requests for work schedule adjustments or leave, as needed, to obtain assistance. (Please refer to leave section of this policy for types of leave when this option is being considered.)

In addition, the designated individual and/or human resource staff will work with employees/victims and coordinate with the Victims' Compensation Board and/or Department of Justice Domestic Violence and Child Abuse Unit, when appropriate, to develop and implement individualized safety plans. These plans may include, but are not limited to, advising co-workers of the situation (subject to the employee's agreement); setting up procedures for alerting security and/or the police; temporary relocation to a new work site; assignment of parking space; escort for entry to and exit from the building; screening of telephone calls; and providing a photograph of the perpetrator and/or a copy of any existing court orders to security, the agency designee, and/or human resource personnel.

The posting of information about domestic violence in work areas is encouraged. Also, information may be made available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located.

The employee/victim will be encouraged to retain any evidence of domestic violence activity, such as threatening e-mail, text, or voice-mail messages.

In cases where the perpetrator and the employee/victim are employed at the same work site, the agency should give due consideration to an employee/victim's request for a modification of duties, reassignment to another position or work shift, or relocation to separate work sites. Such decisions may impact the employee's rights under collective bargaining agreements. In such cases, the agency human resource staff will contact the OMB/HRM Labor Relations and Employment Practices section for guidance.

## **Confidentiality**

The State recognizes and respects an employee's right to privacy. Unless the substance of the employee/victim's disclosure demands otherwise, strict confidentiality will be maintained by informing others only to the extent necessary to protect the safety of the individual or other individuals in the workplace. Except in times of extreme emergency where the timeframe does not permit disclosure, the employee/victim will be given notice of necessary disclosures.

The limitations of confidentiality will be discussed with the employee who is a victim of domestic violence. Those situations that are deemed to potentially put the employee/victim and other employees at risk may require disclosure of a limited basis for those employees deemed to be at risk. Disclosure may be required in instances in which domestic violence has occurred at an employee/victim's worksite.

## **Non-discrimination**

The State is committed to working with employees to prevent abuse, harassment, and discrimination that may result from domestic violence. State agencies are prohibited from discriminating against victims of domestic violence based on knowledge of the employee/victim's current or past domestic violence incidents.

## **Leave**

Every reasonable effort will be made to assist employees who are victims of domestic violence with usage of available categories of leave where appropriate. Appropriate instances may include, but are not limited to, court appearances including appearances for filings and appointments with domestic violence advocates/social workers. If time off from work is necessary, leave shall be taken in compliance with Delaware Code, Merit Rules, statewide policy and collective bargaining agreements. Agencies may ask employees to present acceptable documentation before leave is granted.

Leave may include, as applicable, available compensatory time, sick or annual leave, or other appropriate paid leaves and/or unpaid leave.

When on approved absence, the employee/victim shall attempt to maintain contact about return to work plans. While absent, the employee/victim must maintain contact with the appropriate supervisor and/or human resource staff. The employee/victim will be asked to identify an emergency contact person in the event the employer is unable to contact the employee/victim, and the contact person will be documented in PHRST.

## **Disclosures**

Employee/victims seeking to utilize the protections and benefits offered by the Statewide Domestic Violence Policy may make disclosures to agency supervisors, the designated domestic violence contact, management, and/or human resource staff.

Any individual who applies for and obtains a protective or restraining order is encouraged to provide a copy of the order to the agency staff listed above.

When a disclosure is made, the agency designee and/or the human resource staff will meet with the victim to determine the appropriate action that should be taken to assist and support the employee/victim. When appropriate, the State's EAP may be consulted for assistance with this process.

When an incident involves employees from more than one State agency, the agency human resource staff will ensure that appropriate responses to the situation are coordinated.

## **Discipline**

An employee who is found using any State resources, including work time and/or equipment, to commit an act of domestic violence may be subject to discipline, up to and including dismissal, based on the standards set forth in the Merit Rules, collective bargaining agreements, or other applicable laws or policies.

## **Employees Concerned about Domestic Violence**

If an employee becomes aware that a co-worker is a victim of domestic violence, the employee is encouraged to communicate that information to the agency designee, management and/or human resources office.

In addition, the human resource staff, agency designee or management may discuss the matter with other appropriate authorities if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an effect on the workplace, including but not limited to safety, job performance, and morale. The human resource staff, agency designee or management will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

If an employee experiences or witnesses domestic violence or threats of violence in the workplace, the employee must report the incident to a supervisor, management, and/or human resource staff immediately.

## **Resources**

The OMB/HRM will maintain current referral resources on domestic violence supplied by the Domestic Violence Coordinating Council. This information shall be provided to other Executive branch agencies and will be accessible on the OMB/HRM website.

Resources for abusers' intervention programs will also be maintained.

### Resources:

#### 24 Hour Hotline Numbers:

New Castle County	
Domestic Violence	302-762-6110
Rape Crisis	302-731-9100
Northern Kent County	
Domestic Violence	302-678-3886
Kent & Sussex Counties	
Domestic Violence	302-422-8058
Rape Crisis	800-262-9800
Bi-lingual Hotline	302-745-9874

If you feel that you are in danger, call 9-1-1.

Delaware has a Victim's Bill of Rights. For more information on this, please see the website below:

Victims' Compensation Assistance Program of the State of Delaware  
(Formerly the Violent Crimes Compensation Board)

<http://attorneygeneral.delaware.gov/VCAP/>

When an individual becomes separated from work due to circumstances related to domestic violence, the individual should be informed that unemployment benefits may be available pursuant to Delaware law found at, Title 19, Chapter 33, Section 3314.

<http://delcode.delaware.gov/title19/c033/sc02/index.shtml>

Further, information on stalking, which is a course of conduct directed at a specific person that would cause a reasonable person to feel fear, can be found at the following links:

<http://delcode.delaware.gov/title11/c005/sc07/index.shtml#1312A>

[http://www.stalkingawarenessmonth.org/sites/default/files/2010/Stalking%20Fact%20Sheet%202009\\_ENG\\_color.PDF](http://www.stalkingawarenessmonth.org/sites/default/files/2010/Stalking%20Fact%20Sheet%202009_ENG_color.PDF)

### **Policy Dissemination**

This policy will be distributed to employees covered by this policy, will be posted on the OMB/HRM website and will be provided to all newly hired or promoted managers and supervisors. Employees will receive training on domestic violence as developed through this policy.